

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

PHARMEDIUM SERVICES, LLC

and

Case 15-CA-143030

SHEILA REED

ORDER¹

The Employer's petition to revoke subpoena duces tecum B-1-LQHS8B is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena.² See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).³

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² To the extent that the Employer has provided some of the requested material, it is not required to produce that information again, provided that the Employer accurately describes which documents under subpoena it has already provided, states whether those previously-provided documents constitute all of the requested documents, and provides all of the information that was subpoenaed.

In addition, to the extent that the subpoena encompasses some documents that the Employer believes in good faith to be subject to the attorney-client privilege or the attorney work product doctrine, this Order is without prejudice to the Employer's prompt submission of a privilege log to the Region identifying and describing each such document, and providing sufficient detail to permit an assessment of the Employer's claim of privilege or protection. The Order also is without prejudice to the Employer's ability to seek a confidentiality agreement with respect to documents that involve privacy concerns recognized under Board law

³ In considering the petition to revoke, we have evaluated subpoena B-1-LQHS8B as clarified by the Region in its opposition brief; specifically, in response to the Employer's assertion in its petition that it is not aware of any documents that would be responsive to pars. 7, 8, 12-15, and 17 of the subpoena and would provide such documents if it became aware of them, the Region stated that based on this assurance, it does not

Dated, Washington, D.C., February 18, 2016

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| MARK GASTON PEARCE, | CHAIRMAN |
| PHILIP A. MISCIMARRA, | MEMBER |
| KENT Y. HIROZAWA, | MEMBER |

object to the Employer's response to these paragraphs of the subpoena. We reject the Employer's alternative argument that par. 17 should be revoked.